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EXAMINER	
HORE, V	
ART UNIT	PAPER NUMBER
143	3

DATE MAILED: 01/20/82

This is a communication from the examiner in charge of your application.

COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined. ☐ Responsive to communication filed on _____ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), _____ days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. ☒ Notice of References Cited by Examiner, PTO-892 2. ☐ Notice of Informal Patent Drawing, PTO-948
3. ☐ Notice of References Cited by Applicant, PTO-1449 4. ☐ Notice of Informal Patent Application, Form PTO-152

5. ☐ _____

Part II SUMMARY OF ACTION

1. ☒ Claims 1 to 58 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 1 to 58 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ The formal drawings filed on _____ are acceptable.
8. ☐ The drawing correction request filed on _____ has been ☐ approved. ☐ disapproved.
9. ☒ Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has
☐ been received. ☒ not been received. ☐ been filed in parent application, serial no. _____
filed on _____.
10. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
11. ☐ Other

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12. The heading "Abstract of The Invention"
Should read - Abstract of the Disclosure".

13. Claims 1 to 10, 12 to 17, 20 to 30, 32 to 38,
41 to 49, and 55 to 56 are rejected on the ground of
double patenting over applicants parent application SN
070,503 filed August 28, 1979, now on appeal at the
Board of Appeals.

A terminal disclaimer filed in
conformance with 37 CFR 1.321(b) would obviate this
rejection.

14. Claims 1 to 17, 20 to 37 and 41 to 56 are
rejected as fully met by Gough under 35 USC 102(b) who
discloses a stabilizer system for PVC resins comprising
an organotin borate and an organic thiol having a SH
group in the alcohol-derived portion of a carboxylic
acid ester.

Keep 15. Claims 1 to 58 are rejected as obvious over
Stapfer et al taken with Weinberg, Kugele and Gough
under 35 USC 103.

Stapfer relates (page 23, first column, last
paragraph) that mercapto - containing (- SH)
stabilizers act as peroxide decomposing thermal
stabilizers for vinyl chloride resins. This different
mode of protection is known to supplement those which

function primarily as hydrogen halide acceptors or exchangers the latter roles characterizing metal soaps and organotin mercaptides or mercaptocarboxylates, inter alia other organo metallic stabilizers for the polymer. Gough is confirmation of the synergism expected by such dual functioning stabilizing system. The present state of the art highly anticipates that synergism between the -SH containing esters of Gough and a metal-containing stabilizer which is an organometallic such as Weinberg, Kugele^{and} Stapfer discloses and which is known to function differently from the mercapto compound would be obtained. Expected synergy is not proof of unexpected results.

16. Claims 1 to 10, 16, 20, 22, 23 to 30, 36, 41 to 49 and 55 are rejected as fully met by Brecker et al under 35 USC 102(e).

Antimony trimercaptides are used conjointly with carboxylic acid esters having a -SH group in the alcohol-derived portion: col. 8 lines 48 et seq. It is noted that applicants earliest priority document (France 78,24863 filed August 8, 1978) fails to support claimed subject matter and the latter priority document's

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filing date (France 7912005 filed May 11, 1971) is subsequent to Brecker's effective filing date, January 24, 1979.

17. Claims 1 to 10, 18, 20 to 38, 40 to 58 are rejected as failing to comply with 35 USC 112.

A) "Metal-containing stabilizer" and "optionally substituted mercapto hydrocarbylene carboxylate" are hardly precise class designations. The former term reads on metal-ion-contained water and the latter term reads on metal salts of mercapto carboxylic acids. The structural formula of the latter class on page 8 and the precise nature of the metal component as recited on pages 14 to 17 of the specification should be substituted in lieu of the present broad class designations.

B) Claim 50 is indefinite in failing to indicate the term being defined.

18. Claim 59 has been renumbered as claim 58 in conformance with 37 CFR 1.75 (f).


19. The preliminary amendment dated June 24, 1981 has been entered.

20. The unapplied references make of record citations in the specification which the examiner has considered as well as the Brecker patent which utilizes a diorganotin mercaptide in lieu of the diorganotin carboxylate in Wooten's stabilizing system.

V.Hoke:jcm

703-557-3804

12/28/81


VERONICA P. HOKE
PRIMARY EXAMINER
12 JUL 1982